



April 12, 2019

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# ENGROSSED

## HOUSE BILL No. 1183

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DIGEST OF HB 1183 (Updated April 9, 2019 1:16 pm - DI 132)

**Citations Affected:** IC 9-22; IC 9-33; IC 24-5; IC 24-14.

**Synopsis:** Towing services. Amends the statute concerning the release of an abandoned motor vehicle that has been towed to a storage yard or towing facility as follows: (1) Provides that a towing service or storage yard may charge an inspection fee for inspections or retrievals from a vehicle. (2) Requires a towing service or storage yard to: (A) provide an itemized receipt upon payment; and (B) meet certain requirements as to: (i) hours of operation; and (ii) receiving and returning telephone calls. Provides that not later than three business days after towing a vehicle a towing company or storage facility must comply with certain statutes relating to abandoned vehicles for giving notice. Requires a towing company to charge reasonable fees. Requires a towing company to provide the owner or operator of a motor vehicle that is about to be  
(Continued next page)

**Effective:** July 1, 2019.

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## Lehman, Mahan, Austin, Frye R

(SENATE SPONSORS — DORIOT, GASKILL)

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January 8, 2019, read first time and referred to Committee on Roads and Transportation.  
February 14, 2019, amended, reported — Do Pass.  
February 18, 2019, read second time, amended, ordered engrossed.  
February 19, 2019, engrossed. Read third time, passed. Yeas 86, nays 9.

SENATE ACTION

March 5, 2019, read first time and referred to Committee on Homeland Security and Transportation.  
April 11, 2019, amended, reported favorably — Do Pass.

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EH 1183—LS 7040/DI 123



## Digest Continued

towed a written and itemized estimate of all charges and services to be performed by the towing company. Requires a towing company to document and itemize certain fees related to a tow and certain towing services. Specifies certain record keeping requirements for itemized estimates issued by a towing company. Creates a new article in the Indiana Code to establish certain requirements for towing companies that engage in, or offer to engage in, the business of providing towing service in Indiana, including provisions concerning the following: (1) Emergency towing. (2) Private property towing. (3) Releasing towed motor vehicles. (4) Prohibited acts by towing companies and storage facilities. Provides that a person who violates these new provisions commits a deceptive act that is: (1) actionable under; and (2) subject to the penalties and remedies set forth in; the statute governing deceptive consumer sales. Provides that the attorney general: (1) shall receive, and may investigate, complaints alleging violations of the new provisions; and (2) after finding that a violation has occurred, may take appropriate action under the statute governing deceptive consumer sales. Authorizes the attorney general to adopt rules to implement the new provisions.

**EH 1183—LS 7040/DI 123**



April 12, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1183

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-22-1-8, AS AMENDED BY P.L.125-2012,  
2 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2019]: Sec. 8. **(a) Subject to subsection (b)**, if  
4 the properly identified person who owns or holds a lien on a vehicle  
5 appears at the site of storage before disposal of the vehicle or parts and  
6 pays all costs incurred against the vehicle or parts at that time, relating  
7 to a tow, the storage of the vehicle, and all allowable fees, as  
8 applicable, the vehicle or parts shall be released.  
9 **(b) A towing service or storage yard may charge an inspection**  
10 **fee to an owner, a lienholder, or an insurance company**  
11 **representative to inspect a vehicle or retrieve items from the**  
12 **vehicle. A fee under this subsection must be refunded if the costs**  
13 **relating to a tow, the storage of the vehicle, and all allowable fees,**  
14 **as applicable, are paid under subsection (a).**  
15 **(c) A towing service or storage yard must accept payment made**

EH 1183—LS 7040/DI 123



1 by any of the following means from a person seeking to release a  
2 vehicle under this section:

- 3 (1) Cash.  
4 (2) Certified check.  
5 (3) Insurance check.  
6 (4) Money order.

7 A towing service or storage facility may elect to accept payment by  
8 means of a credit card or debit card.

9 (d) Upon receiving payment of all costs relating to a tow, the  
10 storage of a vehicle, and all allowable fees, as applicable, a towing  
11 service or storage yard shall provide to the person making  
12 payment an itemized receipt that includes the information set forth  
13 in IC 24-14-5, to the extent the information is known or available.

14 (e) A towing service or storage yard must be open for business  
15 and accessible by telephone during regular office hours. A towing  
16 service or storage yard must provide a telephone number that is  
17 available on a twenty-four (24) hour basis to receive calls and  
18 messages from callers, including calls made outside of regular  
19 office hours. All calls made to a towing service or storage yard  
20 must be returned within twenty-four (24) hours from the time  
21 received. However, if adverse weather, an act of God, or an  
22 emergency situation over which the towing service or storage yard  
23 has no control prevents the towing service or storage yard from  
24 returning calls within twenty-four (24) hours, the towing service or  
25 storage yard shall return all calls received as quickly as possible.

26 (f) A towing service or storage yard shall, if required, notify the  
27 appropriate public agency of all releases under this section. The  
28 notification must include:

- 29 (1) the name ~~signature~~, and address of:  
30 (A) the person that owns or holds a lien on the vehicle; and  
31 (B) the insurance company that insures the vehicle, if the  
32 vehicle was released to a representative of the insurance  
33 company;  
34 (2) the signature of the individual to whom the vehicle was  
35 released;  
36 (3) a description of the vehicle or parts;  
37 (4) costs paid; and  
38 (5) the date of release.

39 SECTION 2. IC 9-22-1-19, AS AMENDED BY P.L.157-2017,  
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2019]: Sec. 19. (a) Within ~~seventy-two (72) hours~~ **three (3)**  
42 **business days** after removal of a vehicle to a storage yard or towing



1 service under section 13, 14, 16, or 31 of this chapter or IC 9-22-6, the  
 2 public agency or towing service shall conduct a search of ~~national data~~  
 3 **the National Motor Vehicle Title Information System or an**  
 4 **equivalent and commonly available data base,** ~~bases, including a~~  
 5 ~~data base of vehicle identification numbers;~~ to attempt to obtain the last  
 6 state of record of the vehicle in order to attempt to ascertain the name  
 7 and address of the person who owns or holds a lien on the vehicle.

8 (b) A public agency or towing service that obtains the name and  
 9 address of the owner of or lienholder on a vehicle shall, not later than  
 10 ~~seventy-two (72) hours~~ **three (3) business days** after obtaining the  
 11 name and address, notify the person who owns or holds a lien on the  
 12 vehicle of the following:

- 13 (1) The name, address, and telephone number of the public  
 14 agency or towing service.
- 15 (2) That storage charges are being accrued and the vehicle is  
 16 subject to sale if the vehicle is not claimed and the charges are not  
 17 paid.
- 18 (3) The earliest possible date and location of the public sale or  
 19 auction.

20 The notice must be made by certified mail or a certificate of mailing or  
 21 by means of an electronic service approved by the bureau.  
 22 Notwithstanding section 4 of this chapter, a public agency or towing  
 23 service that fails to notify the owner of or lienholder on the vehicle as  
 24 set forth in this subsection may not collect additional storage costs  
 25 incurred after the date of receipt of the name and address obtained.

26 SECTION 3. IC 9-33-1-1, AS AMENDED BY P.L.198-2016,  
 27 SECTION 630, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2019]: Sec. 1. This article applies to the  
 29 following:

- 30 (1) Actions taken under a court order.
- 31 (2) Actions required under IC 9-24-2-1, IC 9-24-2-2, or  
 32 IC 9-24-2-4.
- 33 (3) Actions required under IC 9-24-6 (before its repeal on July 1,  
 34 2016).
- 35 (4) Actions required under IC 9-24-6.5-6(c) (before its repeal on  
 36 July 1, 2016).
- 37 (5) Actions taken under IC 9-24-6.1.
- 38 (6) Actions required under IC 9-25.
- 39 (7) Actions taken under IC 9-28.
- 40 (8) Actions required under IC 9-30.
- 41 (9) Refunds claimed after June 30, 2016, of fees imposed by the  
 42 bureau.



1           **(10) Actions taken under IC 9-22-1-4.**

2           SECTION 4. IC 24-5-0.5-3, AS AMENDED BY P.L.170-2017,  
3           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2019]: Sec. 3. (a) A supplier may not commit an unfair,  
5           abusive, or deceptive act, omission, or practice in connection with a  
6           consumer transaction. Such an act, omission, or practice by a supplier  
7           is a violation of this chapter whether it occurs before, during, or after  
8           the transaction. An act, omission, or practice prohibited by this section  
9           includes both implicit and explicit misrepresentations.

10          (b) Without limiting the scope of subsection (a), the following acts,  
11          and the following representations as to the subject matter of a consumer  
12          transaction, made orally, in writing, or by electronic communication,  
13          by a supplier, are deceptive acts:

14           (1) That such subject of a consumer transaction has sponsorship,  
15           approval, performance, characteristics, accessories, uses, or  
16           benefits it does not have which the supplier knows or should  
17           reasonably know it does not have.

18           (2) That such subject of a consumer transaction is of a particular  
19           standard, quality, grade, style, or model, if it is not and if the  
20           supplier knows or should reasonably know that it is not.

21           (3) That such subject of a consumer transaction is new or unused,  
22           if it is not and if the supplier knows or should reasonably know  
23           that it is not.

24           (4) That such subject of a consumer transaction will be supplied  
25           to the public in greater quantity than the supplier intends or  
26           reasonably expects.

27           (5) That replacement or repair constituting the subject of a  
28           consumer transaction is needed, if it is not and if the supplier  
29           knows or should reasonably know that it is not.

30           (6) That a specific price advantage exists as to such subject of a  
31           consumer transaction, if it does not and if the supplier knows or  
32           should reasonably know that it does not.

33           (7) That the supplier has a sponsorship, approval, or affiliation in  
34           such consumer transaction the supplier does not have, and which  
35           the supplier knows or should reasonably know that the supplier  
36           does not have.

37           (8) That such consumer transaction involves or does not involve  
38           a warranty, a disclaimer of warranties, or other rights, remedies,  
39           or obligations, if the representation is false and if the supplier  
40           knows or should reasonably know that the representation is false.

41           (9) That the consumer will receive a rebate, discount, or other  
42           benefit as an inducement for entering into a sale or lease in return



- 1 for giving the supplier the names of prospective consumers or  
2 otherwise helping the supplier to enter into other consumer  
3 transactions, if earning the benefit, rebate, or discount is  
4 contingent upon the occurrence of an event subsequent to the time  
5 the consumer agrees to the purchase or lease.
- 6 (10) That the supplier is able to deliver or complete the subject of  
7 the consumer transaction within a stated period of time, when the  
8 supplier knows or should reasonably know the supplier could not.  
9 If no time period has been stated by the supplier, there is a  
10 presumption that the supplier has represented that the supplier  
11 will deliver or complete the subject of the consumer transaction  
12 within a reasonable time, according to the course of dealing or the  
13 usage of the trade.
- 14 (11) That the consumer will be able to purchase the subject of the  
15 consumer transaction as advertised by the supplier, if the supplier  
16 does not intend to sell it.
- 17 (12) That the replacement or repair constituting the subject of a  
18 consumer transaction can be made by the supplier for the estimate  
19 the supplier gives a customer for the replacement or repair, if the  
20 specified work is completed and:
- 21 (A) the cost exceeds the estimate by an amount equal to or  
22 greater than ten percent (10%) of the estimate;
- 23 (B) the supplier did not obtain written permission from the  
24 customer to authorize the supplier to complete the work even  
25 if the cost would exceed the amounts specified in clause (A);
- 26 (C) the total cost for services and parts for a single transaction  
27 is more than seven hundred fifty dollars (\$750); and
- 28 (D) the supplier knew or reasonably should have known that  
29 the cost would exceed the estimate in the amounts specified in  
30 clause (A).
- 31 (13) That the replacement or repair constituting the subject of a  
32 consumer transaction is needed, and that the supplier disposes of  
33 the part repaired or replaced earlier than seventy-two (72) hours  
34 after both:
- 35 (A) the customer has been notified that the work has been  
36 completed; and
- 37 (B) the part repaired or replaced has been made available for  
38 examination upon the request of the customer.
- 39 (14) Engaging in the replacement or repair of the subject of a  
40 consumer transaction if the consumer has not authorized the  
41 replacement or repair, and if the supplier knows or should  
42 reasonably know that it is not authorized.



- 1 (15) The act of misrepresenting the geographic location of the  
 2 supplier by listing an alternate business name or an assumed  
 3 business name (as described in IC 23-0.5-3-4) in a local telephone  
 4 directory if:  
 5 (A) the name misrepresents the supplier's geographic location;  
 6 (B) the listing fails to identify the locality and state of the  
 7 supplier's business;  
 8 (C) calls to the local telephone number are routinely forwarded  
 9 or otherwise transferred to a supplier's business location that  
 10 is outside the calling area covered by the local telephone  
 11 directory; and  
 12 (D) the supplier's business location is located in a county that  
 13 is not contiguous to a county in the calling area covered by the  
 14 local telephone directory.
- 15 (16) The act of listing an alternate business name or assumed  
 16 business name (as described in IC 23-0.5-3-4) in a directory  
 17 assistance data base if:  
 18 (A) the name misrepresents the supplier's geographic location;  
 19 (B) calls to the local telephone number are routinely forwarded  
 20 or otherwise transferred to a supplier's business location that  
 21 is outside the local calling area; and  
 22 (C) the supplier's business location is located in a county that  
 23 is not contiguous to a county in the local calling area.
- 24 (17) The violation by a supplier of IC 24-3-4 concerning  
 25 cigarettes for import or export.
- 26 (18) The act of a supplier in knowingly selling or reselling a  
 27 product to a consumer if the product has been recalled, whether  
 28 by the order of a court or a regulatory body, or voluntarily by the  
 29 manufacturer, distributor, or retailer, unless the product has been  
 30 repaired or modified to correct the defect that was the subject of  
 31 the recall.
- 32 (19) The violation by a supplier of 47 U.S.C. 227, including any  
 33 rules or regulations issued under 47 U.S.C. 227.
- 34 (20) The violation by a supplier of the federal Fair Debt  
 35 Collection Practices Act (15 U.S.C. 1692 et seq.), including any  
 36 rules or regulations issued under the federal Fair Debt Collection  
 37 Practices Act (15 U.S.C. 1692 et seq.).
- 38 (21) A violation of IC 24-5-7 (concerning health spa services), as  
 39 set forth in IC 24-5-7-17.
- 40 (22) A violation of IC 24-5-8 (concerning business opportunity  
 41 transactions), as set forth in IC 24-5-8-20.
- 42 (23) A violation of IC 24-5-10 (concerning home consumer





- 1 transactions), as set forth in IC 24-5-10-18.
- 2 (24) A violation of IC 24-5-11 (concerning real property
- 3 improvement contracts), as set forth in IC 24-5-11-14.
- 4 (25) A violation of IC 24-5-12 (concerning telephone
- 5 solicitations), as set forth in IC 24-5-12-23.
- 6 (26) A violation of IC 24-5-13.5 (concerning buyback motor
- 7 vehicles), as set forth in IC 24-5-13.5-14.
- 8 (27) A violation of IC 24-5-14 (concerning automatic
- 9 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 10 (28) A violation of IC 24-5-15 (concerning credit services
- 11 organizations), as set forth in IC 24-5-15-11.
- 12 (29) A violation of IC 24-5-16 (concerning unlawful motor
- 13 vehicle subleasing), as set forth in IC 24-5-16-18.
- 14 (30) A violation of IC 24-5-17 (concerning environmental
- 15 marketing claims), as set forth in IC 24-5-17-14.
- 16 (31) A violation of IC 24-5-19 (concerning deceptive commercial
- 17 solicitation), as set forth in IC 24-5-19-11.
- 18 (32) A violation of IC 24-5-21 (concerning prescription drug
- 19 discount cards), as set forth in IC 24-5-21-7.
- 20 (33) A violation of IC 24-5-23.5-7 (concerning real estate
- 21 appraisals), as set forth in IC 24-5-23.5-9.
- 22 (34) A violation of IC 24-5-26 (concerning identity theft), as set
- 23 forth in IC 24-5-26-3.
- 24 (35) A violation of IC 24-5.5 (concerning mortgage rescue fraud),
- 25 as set forth in IC 24-5.5-6-1.
- 26 (36) A violation of IC 24-8 (concerning promotional gifts and
- 27 contests), as set forth in IC 24-8-6-3.
- 28 (37) A violation of IC 21-18.5-6 (concerning representations
- 29 made by a postsecondary credit bearing proprietary educational
- 30 institution), as set forth in IC 21-18.5-6-22.5.
- 31 **(38) A violation of IC 24-14 (concerning towing services), as**
- 32 **set forth in IC 24-14-10-1.**
- 33 (c) Any representations on or within a product or its packaging or
- 34 in advertising or promotional materials which would constitute a
- 35 deceptive act shall be the deceptive act both of the supplier who places
- 36 such representation thereon or therein, or who authored such materials,
- 37 and such other suppliers who shall state orally or in writing that such
- 38 representation is true if such other supplier shall know or have reason
- 39 to know that such representation was false.
- 40 (d) If a supplier shows by a preponderance of the evidence that an
- 41 act resulted from a bona fide error notwithstanding the maintenance of
- 42 procedures reasonably adopted to avoid the error, such act shall not be



1 deceptive within the meaning of this chapter.

2 (e) It shall be a defense to any action brought under this chapter that  
3 the representation constituting an alleged deceptive act was one made  
4 in good faith by the supplier without knowledge of its falsity and in  
5 reliance upon the oral or written representations of the manufacturer,  
6 the person from whom the supplier acquired the product, any testing  
7 organization, or any other person provided that the source thereof is  
8 disclosed to the consumer.

9 (f) For purposes of subsection (b)(12), a supplier that provides  
10 estimates before performing repair or replacement work for a customer  
11 shall give the customer a written estimate itemizing as closely as  
12 possible the price for labor and parts necessary for the specific job  
13 before commencing the work.

14 (g) For purposes of subsection (b)(15) and (b)(16), a telephone  
15 company or other provider of a telephone directory or directory  
16 assistance service or its officer or agent is immune from liability for  
17 publishing the listing of an alternate business name or assumed  
18 business name of a supplier in its directory or directory assistance data  
19 base unless the telephone company or other provider of a telephone  
20 directory or directory assistance service is the same person as the  
21 supplier who has committed the deceptive act.

22 (h) For purposes of subsection (b)(18), it is an affirmative defense  
23 to any action brought under this chapter that the product has been  
24 altered by a person other than the defendant to render the product  
25 completely incapable of serving its original purpose.

26 SECTION 5. IC 24-14 IS ADDED TO THE INDIANA CODE AS  
27 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
28 2019]:

29 **ARTICLE 14. TOWING SERVICES**

30 **Chapter 1. Application**

31 **Sec. 1. (a) This article applies to any person engaging in, or**  
32 **offering to engage in, the business of providing towing service in**  
33 **Indiana.**

34 **(b) This article does not apply to the towing of motor vehicles:**  
35 **(1) into Indiana; or**  
36 **(2) through Indiana;**  
37 **if the towing originates in another state.**

38 **Sec. 2. This article does not apply to the following:**

- 39 **(1) Government agency towing.**  
40 **(2) Seizure towing.**  
41 **(3) Towing performed by, on behalf of, or under contract**  
42 **with:**



- 1 (A) an automobile club;  
 2 (B) a car dealership;  
 3 (C) an insurance company; or  
 4 (D) a customer under a consensual towing agreement.
- 5 Sec. 3. This article does not supersede or nullify a towing  
 6 company's or any other person's rights, duties, or obligations  
 7 under the following:  
 8 (1) IC 24-4-6-2.  
 9 (2) IC 9-22-1.  
 10 (3) IC 9-22-6.
- 11 Chapter 2. Definitions
- 12 Sec. 1. The definitions in this chapter apply throughout this  
 13 article.
- 14 Sec. 2. "Affiliate" has the meaning set forth in IC 23-1-43-1.
- 15 Sec. 3. (a) "Automobile club" means a person that, for  
 16 consideration, promises to assist its members or subscribers in  
 17 matters relating to:  
 18 (1) motor travel; or  
 19 (2) the operation, use, or maintenance of a motor vehicle;  
 20 by supplying services, which may include towing service,  
 21 emergency road service, or indemnification service.  
 22 (b) The term includes:  
 23 (1) a motor vehicle dealer; or  
 24 (2) an insurance company;  
 25 operating as an automobile club to provide any of the services  
 26 described in subsection (a).
- 27 Sec. 4. "Consensual towing agreement" means an agreement  
 28 between a towing company and a person or business to perform  
 29 towing services at the request of the owner, operator, or person  
 30 having legal custody of the vehicle that is agreed upon prior to the  
 31 vehicle being towed.
- 32 Sec. 5. "Emergency towing" means the towing of a motor  
 33 vehicle, with or without the owner's consent, because of:  
 34 (1) a motor vehicle accident on a public street, road, or  
 35 highway; or  
 36 (2) an incident:  
 37 (A) related to an emergency; and  
 38 (B) necessitating the removal of the motor vehicle from a  
 39 location for public safety reasons.
- 40 Sec. 6. "Flat bed service" means a type of towing service that  
 41 involves moving vehicles by loading them onto a flat bed platform.
- 42 Sec. 7. "Government agency towing" means the towing of a



1 government owned or government controlled vehicle by the  
2 government agency that owns or controls the towed vehicle.

3 Sec. 8. "Local law enforcement agency" has the meaning set  
4 forth in IC 9-26-9-2.

5 Sec. 9. (a) "Law enforcement towing" means the towing of a  
6 motor vehicle for law enforcement purposes.

7 (b) The term includes towing for law enforcement purposes that  
8 is performed by a towing company:

9 (1) under a contract with the state, a local unit, or a local law  
10 enforcement agency of the state or local unit; or

11 (2) on behalf of the state, a local unit, or a local law  
12 enforcement agency of the state or local unit.

13 (c) The term does not include seizure towing.

14 Sec. 10. "Motor vehicle" means any vehicle that:

15 (1) is manufactured primarily for use on public streets, roads,  
16 and highways (not including a vehicle operated exclusively on  
17 a rail or rails); and

18 (2) has at least four (4) wheels.

19 Sec. 11. "Owner", with respect to a motor vehicle, means the  
20 registered owner, as determined by a search under IC 9-22-1-19.

21 Sec. 12. "Private property towing" means the towing of a motor  
22 vehicle, without the owner's consent:

23 (1) from private property on which the motor vehicle was  
24 illegally parked; or

25 (2) from private property because of an exigent circumstance  
26 necessitating its removal;

27 to another location.

28 Sec. 13. "Seizure towing" means the towing of a motor vehicle  
29 for law enforcement purposes involving:

30 (1) the maintenance of the chain of custody of evidence; or

31 (2) the forfeiture of assets.

32 Sec. 14. (a) "Storage facility" means any:

33 (1) lot;

34 (2) facility; or

35 (3) other property;

36 used to store motor vehicles that have been removed from another  
37 location by a tow truck.

38 (b) The term includes a storage yard (as defined in  
39 IC 9-22-1-3.5).

40 Sec. 15. "Tow truck" means a motor vehicle equipped to  
41 provide any form of towing service, including recovery service or  
42 flat bed service.



1           **Sec. 16. "Tow truck operator" means an individual who**  
 2 **operates a tow truck as an employee or agent of a towing company.**

3           **Sec. 17. (a) "Towing company" means a service or business**  
 4 **that:**

5           **(1) tows or otherwise moves motor vehicles by means of a tow**  
 6 **truck; or**

7           **(2) owns or operates a storage lot.**

8           **(b) The term includes a tow truck operator acting on behalf of**  
 9 **a towing company when appropriate in the context.**

10           **Chapter 3. Emergency Towing**

11           **Sec. 1. This chapter applies to a towing company that engages**  
 12 **in, or offers to engage in, emergency towing.**

13           **Sec. 2. (a) Except as provided in subsection (b), a towing**  
 14 **company shall not stop, or cause a person to stop, at the scene of an**  
 15 **accident or near a disabled motor vehicle:**

16           **(1) if there is an injury as the result of an accident; or**

17           **(2) for the purpose of:**

18           **(A) soliciting an engagement for emergency towing**  
 19 **services;**

20           **(B) moving a motor vehicle from a public street, road, or**  
 21 **highway; or**

22           **(C) accruing charges in connection with an activity**  
 23 **described in clause (A) or (B).**

24           **(b) A towing company may stop, or cause a person to stop, at the**  
 25 **scene of an accident or near a disabled motor vehicle under the**  
 26 **circumstances or for any of the purposes described in subsection**  
 27 **(a) if:**

28           **(1) the towing company is requested to stop or to perform a**  
 29 **towing service by a law enforcement officer or by authorized**  
 30 **state, county, or municipal personnel;**

31           **(2) the towing company is summoned to the scene or**  
 32 **requested to stop by the owner or operator of a disabled**  
 33 **vehicle;**

34           **(3) the owner of a disabled motor vehicle has previously**  
 35 **provided consent to the towing company to stop or perform a**  
 36 **towing service; or**

37           **(4) the towing company has a reasonable belief that a motorist**  
 38 **is in need of immediate aid.**

39           **However, a towing company may not offer towing services under**  
 40 **subdivision (4) unless one of the conditions described in**  
 41 **subdivisions (1) through (3) are also met.**

42           **Sec. 3. (a) Except as provided in subsections (b) and (c), the**



1 owner or operator of a disabled motor vehicle may, in consultation  
 2 with law enforcement or with authorized state, county, or  
 3 municipal personnel (if appropriate):

4 (1) summon to the disabled motor vehicle's location the  
 5 towing company of the owner's or operator's choice, either  
 6 directly or through an insurance company's or an automobile  
 7 club's emergency service arrangement; and

8 (2) designate the location to which the disabled motor vehicle  
 9 is to be towed.

10 However, if the location designated by the owner or operator is not  
 11 a storage facility owned or operated by the towing company, the  
 12 owner or operator must make arrangements for payment to the  
 13 towing company prior to the tow truck leaving the scene. The fee  
 14 charged by the towing company may not be more than normally  
 15 charged by the towing company for the service provided.

16 (b) Subsection (a) does not apply:

17 (1) in any case in which the owner or operator of a disabled  
 18 motor vehicle:

19 (A) is incapacitated or otherwise unable to summon a  
 20 towing company; or

21 (B) defers to law enforcement or to authorized state,  
 22 county, or municipal personnel as to:

23 (i) the towing company to be summoned; or

24 (ii) the location to which the disabled motor vehicle is to  
 25 be towed; or

26 (2) in the event of a declared emergency.

27 (c) The authority of an owner or operator of a disabled vehicle  
 28 to summon the towing company of the owner's or operator's choice  
 29 under subsection (a) shall be superseded by a law enforcement  
 30 officer or by authorized state, county, or municipal personnel if the  
 31 towing company of choice of the owner or operator:

32 (1) is unable to respond to the location of the disabled motor  
 33 vehicle in a timely fashion; and

34 (2) the disabled motor vehicle:

35 (A) is a hazard;

36 (B) impedes the flow of traffic; or

37 (C) may not legally remain in its location;

38 in the opinion of the law enforcement officer or authorized  
 39 state, county, or municipal personnel.

40 Sec. 4. If a disabled motor vehicle:

41 (1) is causing; or

42 (2) poses;



1 a safety hazard to any of the parties at the scene of the disabled  
 2 motor vehicle, the disabled motor vehicle may be moved by a  
 3 towing company to a safe location after being released by a law  
 4 enforcement officer or by authorized state, county, or municipal  
 5 personnel for that purpose.

6 **Sec. 5. (a) If a towing company is summoned for emergency**  
 7 **towing by the owner or operator of a disabled motor vehicle, the**  
 8 **towing company shall make a record of the following, to the extent**  
 9 **available:**

10 (1) **The:**

11 (A) first and last name; and

12 (B) telephone number;

13 of the person who summoned the towing company to the  
 14 scene.

15 (2) The make, model, year, vehicle identification number, and  
 16 license plate number of the disabled motor vehicle.

17 (b) If a towing company is summoned for emergency towing by  
 18 a law enforcement officer or by authorized state, county, or  
 19 municipal personnel, the towing company shall make a record of  
 20 the following, to the extent available:

21 (1) The identity of:

22 (A) the local law enforcement agency; or

23 (B) the authorized state, county, or municipal agency;  
 24 requesting the emergency towing.

25 (2) The make, model, year, vehicle identification number, and  
 26 license plate number of the disabled motor vehicle.

27 (c) A towing company:

28 (1) shall:

29 (A) maintain a record created under subsection (a) or (b);  
 30 and

31 (B) provide a record created under subsection (a) or (b) to  
 32 a local law enforcement agency upon request;

33 from the time the towing company appears at the scene of the  
 34 disabled motor vehicle until the time the motor vehicle is  
 35 towed and released to an authorized party; and

36 (2) shall:

37 (A) retain a record created under subsection (a) or (b) for  
 38 a period of two (2) years from the date the disabled vehicle  
 39 was towed from the scene; and

40 (B) throughout the two (2) year period described in clause  
 41 (A), make the record available for inspection and copying,  
 42 not later than two (2) business days after receiving a



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written request for inspection from:  
(i) a local law enforcement agency;  
(ii) the attorney general;  
(iii) the disabled motor vehicle's owner; or  
(iv) an authorized agent of the disabled motor vehicle's owner.

**Sec. 6.** A towing company that performs emergency towing under this chapter shall do the following:

- (1) Properly secure all towed motor vehicles.
- (2) Take all reasonable efforts to prevent:
  - (A) further damage (including weather damage) to; or
  - (B) the theft of;
 all towed motor vehicles, including a towed motor vehicle's cargo and contents.

**Chapter 4. Commercial Private Property Towing**

**Sec. 1. (a)** This chapter applies to a towing company that engages in, or offers to engage in, private commercial property towing.

**(b)** This chapter does not apply to the towing of a motor vehicle from a tow-away zone that is not located on commercial private property.

**Sec. 2. (a)** Except as provided in subsections (b) and (c), the owner of a commercial private property may establish a tow-away zone on the owner's property. A commercial private property owner that establishes a tow-away zone under this section must post a tow-away zone sign at the location of the tow-away zone that is conspicuous and clearly visible to the public. A tow-away zone sign described under this section shall provide the following information:

- (1) A statement that the area in the immediate vicinity of the sign is a tow-away zone.
- (2) Pertinent contact information.
- (3) A description of any person permitted to park in the affected area, if applicable.

**(b)** A commercial private property owner may have a motor vehicle towed from the owner's commercial private property without first displaying signage concerning the tow-away zone if the motor vehicle is removed under IC 9-22-1-16.

**(c)** A unit (as defined in IC 36-1-2-23) may adopt an ordinance that provides for different requirements than those provided in this section.

**Sec. 3.** A towing company that tows a motor vehicle under this





1 chapter shall ensure that the motor vehicle is towed to:

- 2 (1) a storage facility within forty (40) miles of the location of  
 3 the tow-away zone from which the motor vehicle was  
 4 removed; or  
 5 (2) if there is no storage facility within forty (40) miles of the  
 6 location of the tow-away zone, to the storage facility nearest  
 7 to the tow-away zone that has been approved by the  
 8 commercial private property owner from where the motor  
 9 vehicle was towed.

10 Sec. 4. If the owner or operator of a motor vehicle that is parked  
 11 in violation of a tow-away zone arrives at the location of the  
 12 tow-away zone while the motor vehicle is in the process of being  
 13 towed, the towing company shall give the owner or operator either  
 14 oral or written notification that the owner or operator may pay a  
 15 fee in an amount that is not greater than half of the amount of the  
 16 fee the towing company normally charges for the release of a  
 17 motor vehicle. Upon the owner's or operator's payment of the  
 18 amount specified, the towing company shall:

- 19 (1) release the motor vehicle to the owner or operator; and  
 20 (2) give the owner or operator a receipt showing:  
 21 (A) the full amount of the fee the towing company  
 22 normally charges for the release of a motor vehicle; and  
 23 (B) the amount of the fee paid by the owner or operator.

24 Sec. 5. If required by the local law enforcement agency, not later  
 25 than two (2) hours after completing a tow of a motor vehicle from  
 26 a commercial private property described under this chapter, a  
 27 towing company shall provide notice of the towing to the local law  
 28 enforcement agency having jurisdiction in the location of the  
 29 private property.

30 Sec. 6. A towing company that performs commercial private  
 31 property towing under this chapter shall do the following:

- 32 (1) Properly secure all towed motor vehicles.  
 33 (2) Take all reasonable efforts to prevent:  
 34 (A) further damage (including weather damage) to; or  
 35 (B) the theft of;  
 36 all towed motor vehicles, including a towed motor vehicle's  
 37 cargo and contents.

38 Sec. 7. This chapter does not affect a private property owner's  
 39 rights under IC 9-22-1 with respect to abandoned vehicles on the  
 40 property owner's property.

41 Chapter 5. Invoices for Towing Services

42 Sec. 1. (a) An itemized invoice of actual towing charges assessed



1 by a towing company shall be made available to the owner of the  
 2 motor vehicle or the owner's agent not later than one (1) business  
 3 day after:

- 4 (1) the tow is completed; or  
 5 (2) the towing company has obtained all necessary  
 6 information to be included on the invoice, including any  
 7 charges submitted by subcontractors used by the towing  
 8 company to complete the tow and recovery.

9 (b) The itemized invoice required by this section must contain  
 10 the following information:

- 11 (1) The location from which the motor vehicle was towed.  
 12 (2) The location to which the motor vehicle was towed.  
 13 (3) The name, address, and telephone number of the towing  
 14 company.  
 15 (4) A description of the towed motor vehicle, including the:  
 16 (A) make;  
 17 (B) model;  
 18 (C) year; and  
 19 (D) vehicle identification number;  
 20 of the motor vehicle.  
 21 (5) The license plate number and state of registration for the  
 22 towed motor vehicle.  
 23 (6) The cost of the original towing service.  
 24 (7) The cost of any vehicle storage fees, expressed as a daily  
 25 rate.  
 26 (8) Other fees, including documentation fees and motor  
 27 vehicle search fees.  
 28 (9) The costs for services that were performed under a  
 29 warranty or that were otherwise performed at no cost to the  
 30 owner of the motor vehicle.

31 (c) Any service or fee in addition to the services or fees  
 32 described in subsection (b)(6), (b)(7), or (b)(8) must be set forth  
 33 individually as a single line item on the invoice required by this  
 34 section, with an explanation and the exact charge for the service or  
 35 the exact amount of the fee.

36 (d) A copy of each invoice and receipt submitted by a tow truck  
 37 operator in accordance with this section shall:

- 38 (1) be retained by the towing company for a period of two (2)  
 39 years from the date of issuance; and  
 40 (2) throughout the two (2) year period described in  
 41 subdivision (1), be made available for inspection and copying  
 42 not later than forty-eight (48) hours after receiving a written



1 request for inspection from:

2 (A) a law enforcement agency;

3 (B) the attorney general;

4 (C) the prosecuting attorney or city attorney having  
5 jurisdiction in the location of any of the towing company's  
6 Indiana business locations;

7 (D) the disabled motor vehicle's owner; or

8 (E) the agent of the disabled motor vehicle's owner.

9 **Chapter 6. Notice Requirements**

10 **Sec. 1. Not later than three (3) business days after a completed**  
11 **tow, the towing company or storage facility responsible for a towed**  
12 **vehicle must:**

13 (1) search:

14 (A) the National Motor Vehicle Title Information System  
15 data base (as described under 49 U.S.C. 30502); or

16 (B) an equivalent and commonly available data base; and

17 (2) comply with:

18 (A) IC 9-22-1-19; or

19 (B) IC 9-22-1-21;

20 as applicable.

21 **Chapter 7. Releasing Towed Motor Vehicles**

22 **Sec. 1. This chapter applies to the following:**

23 (1) A towing company that tows and stores a motor vehicle  
24 under this article.

25 (2) A storage facility that stores a motor vehicle that is towed  
26 by a towing company under this article, regardless of whether  
27 the towing company and the storage facility are affiliates.

28 **Sec. 2. (a) Upon payment of all costs relating to a tow, the**  
29 **storage of a motor vehicle, and all allowable fees, as applicable, the**  
30 **towing company or storage facility shall release the motor vehicle**  
31 **to a properly identified person who owns or holds a lien on the**  
32 **motor vehicle. Each release performed under this subsection shall**  
33 **comply with the procedures and be subject to the same**  
34 **requirements set forth in IC 9-22-1-8 with respect to abandoned**  
35 **motor vehicles.**

36 (b) The owner, lienholder, or insurance company representative  
37 responsible for releasing a motor vehicle under this section shall  
38 have the right to inspect the motor vehicle during normal business  
39 hours before accepting the release of the motor vehicle.

40 (c) A towing company or storage facility shall accept the  
41 following forms of payment:

42 (1) Cash.



- 1           (2) Certified check.
- 2           (3) Insurance check.
- 3           (4) Money order.
- 4           A towing service or storage facility may elect to accept payment by
- 5           means of a credit card or debit card.
- 6           (d) A towing company or storage facility, upon receiving
- 7           payment for all costs and fees assessed against a motor vehicle,
- 8           shall provide an itemized receipt that includes the information
- 9           described under IC 24-14-5 if the information is available.
- 10          (e) A towing company or storage facility shall comply with
- 11          IC 9-22-1-8.
- 12          Chapter 8. Fees and Records
- 13          Sec. 1. A towing company or storage facility shall charge a fee
- 14          for towing, clean-up services, or storage of a motor vehicle that is
- 15          reasonable.
- 16          Sec. 2. All services provided by a towing company or storage
- 17          facility, including any warranty service or zero cost service, shall
- 18          be recorded on an invoice. The towing company or storage facility
- 19          shall:
- 20           (1) maintain the invoice described in this section for a period
- 21           of not less than two (2) years from the date of issuance; and
- 22           (2) throughout the two (2) year period described in
- 23           subdivision (1), make the invoice available for inspection and
- 24           copying not later than forty-eight (48) hours after receiving a
- 25           written request for inspection from:
- 26           (A) a law enforcement agency;
- 27           (B) the attorney general;
- 28           (C) the prosecuting attorney or city attorney having
- 29           jurisdiction in the location of any of the towing company's
- 30           Indiana business locations;
- 31           (D) the disabled motor vehicle's owner; or
- 32           (E) the agent of the disabled motor vehicle's owner.
- 33          Sec. 3. A towing company or storage facility shall furnish a copy
- 34          of the invoice described in IC 24-14-5 to a local law enforcement
- 35          agency or the office of the attorney general.
- 36          Chapter 9. Prohibited Acts
- 37          Sec. 1. A towing company shall not do any of the following:
- 38           (1) Falsely represent, either expressly or by implication, that
- 39           the towing company represents or is approved by any
- 40           organization that provides emergency road service for
- 41           disabled motor vehicles.
- 42           (2) Require the owner or operator of a disabled motor vehicle



- 1 to preauthorize:
- 2 (A) repair work; or
- 3 (B) more than twenty-four (24) hours of storage;
- 4 as a condition for providing towing service for the disabled
- 5 motor vehicle.
- 6 (3) Charge more than one (1) towing fee when the owner or
- 7 operator of a disabled motor vehicle requests that the disabled
- 8 motor vehicle be towed to a repair facility owned or operated
- 9 by the towing company.
- 10 (4) Tow a motor vehicle to a repair facility unless:
- 11 (A) either:
- 12 (i) the owner of the motor vehicle; or
- 13 (ii) the owner's designated representative;
- 14 gives consent for the motor vehicle to be towed to the
- 15 repair facility; and
- 16 (B) the consent described in clause (A) is given before the
- 17 motor vehicle is removed from the location from which it
- 18 is to be towed.
- 19 The prohibition set forth in this subdivision does not apply in
- 20 any case in which a towing company tows a motor vehicle to
- 21 a storage facility that includes a repair facility on the same
- 22 site.
- 23 **Sec. 2. A towing company or a storage facility shall not do any**
- 24 **of the following:**
- 25 (1) Upon payment of all costs relating to a tow, motor vehicle
- 26 storage, and all allowable fees, as applicable, refuse to release
- 27 the motor vehicle during regular office hours to a properly
- 28 identified person who owns or holds a lien on the motor
- 29 vehicle in accordance with the procedures and subject to the
- 30 same requirements set forth in IC 9-22-1-8 with respect to
- 31 abandoned motor vehicles. However, a towing company or
- 32 storage facility shall not release a motor vehicle in any case in
- 33 which a local law enforcement agency has ordered the motor
- 34 vehicle not to be released, or in any case in which the motor
- 35 vehicle cannot be released because of pending litigation.
- 36 (2) Refuse to permit:
- 37 (A) a properly identified person who owns or holds a lien
- 38 on a motor vehicle; or
- 39 (B) a representative of the insurance company that insures
- 40 the motor vehicle, if the vehicle is covered by an active
- 41 policy of insurance;
- 42 to inspect the motor vehicle during regular office hours before



1 all costs incurred against the motor vehicle are paid or the  
2 motor vehicle is released. An inspection fee may not be  
3 charged for an inspection that occurs during regular office  
4 hours.

5 (3) Charge any storage fee for a stored motor vehicle with  
6 respect to any day on which:

7 (A) release of the motor vehicle; or

8 (B) inspection of the motor vehicle by the owner,  
9 lienholder, or insurance company;

10 is not permitted during regular office hours by the towing  
11 company or storage facility.

12 **Chapter 10. Violations**

13 **Sec. 1. A person who violates this article commits a deceptive act**  
14 **that is:**

15 (1) actionable under IC 24-5-0.5; and

16 (2) subject to the remedies and penalties set forth in  
17 IC 24-5-0.5.

18 **Sec. 2. (a) The attorney general:**

19 (1) shall receive; and

20 (2) may investigate;

21 complaints alleging violations of this article.

22 (b) After finding, either upon a complaint made or upon the  
23 attorney general's own investigation, that a violation of this article  
24 has occurred, the attorney general may take appropriate action  
25 under IC 24-5-0.5-4(c).

26 **Sec. 3. The attorney general may adopt rules under IC 4-22-2 to**  
27 **implement this article, including emergency rules in the manner**  
28 **provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an**  
29 **emergency rule adopted by the attorney general under this section**  
30 **and in the manner provided by IC 4-22-2-37.1 expires on the date**  
31 **on which a rule that supersedes the emergency rule is adopted by**  
32 **the attorney general under IC 4-22-2-24 through IC 4-22-2-36.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1183, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, strike "incurred against the vehicle or parts at that time," and insert "**relating to a tow, the storage of the vehicle, and all allowable fees, as applicable,**".

Page 2, delete lines 2 through 3.

Page 2, line 4, delete "(5)" and insert "(3)".

Page 2, line 5, delete "(6) Money order." and insert "**(4) Money order.**".

Page 2, between lines 5 and 6, begin a new line blocked left and insert:

**"A towing service or storage facility may elect to accept payment by means of a credit card or debit card."**

Page 2, line 6, after "tow," insert "**the storage of a vehicle, and all allowable fees, as applicable,**".

Page 2, line 9, delete "IC 24-14-5-1(d)" and insert "**IC 24-14-5**".

Page 2, line 23, after "shall" insert "**, if required,**".

Page 2, between lines 35 and 36, begin a new paragraph and insert:  
**"SECTION 2. IC 9-22-1-19, AS AMENDED BY P.L.157-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) Within ~~seventy-two (72) hours~~ **three (3) business days** after removal of a vehicle to a storage yard or towing service under section 13, 14, 16, or 31 of this chapter or IC 9-22-6, the public agency or towing service shall conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name and address of the person who owns or holds a lien on the vehicle.**

(b) A public agency or towing service that obtains the name and address of the owner of or lienholder on a vehicle shall, not later than ~~seventy-two (72) hours~~ **three (3) business days** after obtaining the name and address, notify the person who owns or holds a lien on the vehicle of the following:

- (1) The name, address, and telephone number of the public agency or towing service.
- (2) That storage charges are being accrued and the vehicle is subject to sale if the vehicle is not claimed and the charges are not paid.



- (3) The earliest possible date and location of the public sale or auction.

The notice must be made by certified mail or a certificate of mailing or by means of an electronic service approved by the bureau. Notwithstanding section 4 of this chapter, a public agency or towing service that fails to notify the owner of or lienholder on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained."

Page 8, delete lines 6 through 13, begin a new paragraph and insert:  
**"Sec. 2. This article does not apply to the following:**

- (1) Government agency towing.**
- (2) Seizure towing.**
- (3) Towing performed by, on behalf of, or under contract with:**
  - (A) an automobile club;**
  - (B) a car dealership; or**
  - (C) an insurance company."**

Page 9, line 23, delete "any of" and insert "**the registered owner,**".

Page 9, line 24, delete "the following,".

Page 9, line 24, delete "IC 9-22-1-19:" and insert "**IC 9-22-1-19.**".

Page 9, delete lines 25 through 31.

Page 9, delete lines 39 through 40.

Page 9, line 41, delete "13." and insert "**12.**".

Page 10, line 3, delete "14." and insert "**13.**".

Page 10, line 11, delete "15." and insert "**14.**".

Page 10, line 14, delete "16." and insert "**15.**".

Page 10, line 16, delete "17." and insert "**16.**".

Page 10, delete lines 21 through 22, begin a new paragraph and insert:

**"(b) The term includes a tow truck operator acting:**

- (1) on behalf of a towing company when appropriate in the context; or**
- (2) under contract with:**
  - (A) an automobile club;**
  - (B) a car dealership; or**
  - (C) an insurance company."**

Page 11, line 30, delete "at the time the towing company is summoned." and insert "**prior to the tow truck leaving the scene.**".

Page 13, delete lines 24 through 38, begin a new paragraph and insert:

**"Sec. 6. A towing company that performs emergency towing under this chapter shall do the following:**





- (1) Properly secure all towed motor vehicles.**
- (2) Take all reasonable efforts to prevent:**
  - (A) further damage (including weather damage) to; or**
  - (B) the theft of;****all towed motor vehicles, including a towed motor vehicle's cargo and contents."**

Page 14, delete lines 16 through 24.

Page 14, line 25, delete "4." and insert "3."

Page 14, line 35, delete "5." and insert "4."

Page 15, line 7, delete "6." and insert "5."

Page 15, delete lines 12 through 26, begin a new paragraph and insert:

**"Sec. 6. A towing company that performs private property towing under this chapter shall do the following:**

- (1) Properly secure all towed motor vehicles.**
- (2) Take all reasonable efforts to prevent:**
  - (A) further damage (including weather damage) to; or**
  - (B) the theft of;****all towed motor vehicles, including a towed motor vehicle's cargo and contents."**

Page 15, line 27, delete "8." and insert "7."

Page 15, delete lines 31 through 42, begin a new paragraph and insert:

**"Sec. 1. (a) Except as otherwise provided in subsection (b), before attaching a motor vehicle to a tow truck, a towing company shall provide to the owner or operator of the motor vehicle, if the owner or operator of the motor vehicle is present at the time and location of the tow, a written, itemized estimate of all charges and services to be performed. The estimate required under this subsection must include the following:**

- (1) The name, address, telephone number, and motor carrier permit number of the towing company.**
- (2) The license plate number of the tow truck performing the tow.**
- (3) An itemized description of, and cost for, all services performed or to be performed in connection with the tow, including charges for:**
  - (A) labor;**
  - (B) mileage; and**
  - (C) storage fees, expressed as a twenty-four (24) hour rate.**

**(b) A towing company may furnish the itemized estimate required under subsection (a) after the motor vehicle is attached to**



the tow truck and removed to the nearest safe shoulder or street if:

- (1) the removal is performed at the request of:
  - (A) a law enforcement officer; or
  - (B) authorized county or municipal personnel; and
- (2) the itemized estimate is provided to the owner or operator of the motor vehicle before the motor vehicle is removed from the nearest safe shoulder or street.

(c) The tow truck operator shall obtain the owner's or operator's signature, which may be written or electronic, on the itemized estimate required under subsection (a) and shall furnish a copy of the estimate to the individual who signed the estimate.

(d) A towing company shall not make any charge in excess of the estimated charge for a particular service, as set forth under subsection (a)(3), without the prior consent of the motor vehicle's owner or operator.

(e) A towing company shall:

- (1) retain an estimate required by this section for a period of two (2) years from the date the estimate was signed; and
- (2) throughout the two (2) year period described in subdivision (1), make the estimate available for inspection and copying not later than forty-eight (48) hours after receiving a written request for inspection from:
  - (A) a law enforcement agency;
  - (B) the attorney general;
  - (C) the prosecuting attorney or city attorney having jurisdiction in the location of any of the towing company's Indiana business locations;
  - (D) the disabled motor vehicle's owner; or
  - (E) the agent of the disabled motor vehicle's owner.

Sec. 2. (a) An itemized invoice of actual towing charges assessed by a towing company shall be made available to the owner of the motor vehicle or the owner's agent not later than twenty-four (24) hours after a completed tow. The itemized invoice required by this section must contain the following information:

- (1) The location from which the motor vehicle was towed.
- (2) The location to which the motor vehicle was towed.
- (3) The name, address, and telephone number of the towing company.
- (4) A description of the towed motor vehicle, including the:
  - (A) make;
  - (B) model;
  - (C) year; and



**(D) vehicle identification number;  
of the motor vehicle.**

**(5) The license plate number and state of registration for the  
towed motor vehicle.**

**(6) The cost of the original towing service.**

**(7) The cost of any vehicle storage fees, expressed as a  
twenty-four (24) hour rate.**

**(8) Other fees, including documentation fees and motor  
vehicle search fees.**

**(9) The costs for services that were performed under a  
warranty or that were otherwise performed at no cost to the  
owner of the motor vehicle.**

**(b) Any service or fee in addition to the services or fees  
described in subsection (a)(6), (a)(7), or (a)(8) must be set forth  
individually as a single line item on the invoice required by this  
section, with an explanation and the exact charge for the service or  
the exact amount of the fee.**

**(c) A copy of each invoice and receipt submitted by a tow truck  
operator in accordance with this section shall:**

**(1) be retained by the towing company for a period of two (2)  
years from the date of issuance; and**

**(2) throughout the two (2) year period described in  
subdivision (1), be made available for inspection and copying  
not later than forty-eight (48) hours after receiving a written  
request for inspection from:**

**(A) a law enforcement agency;**

**(B) the attorney general;**

**(C) the prosecuting attorney or city attorney having  
jurisdiction in the location of any of the towing company's  
Indiana business locations;**

**(D) the disabled motor vehicle's owner; or**

**(E) the agent of the disabled motor vehicle's owner."**

Delete page 16.

Page 17, delete lines 1 through 20.

Page 17, delete lines 22 through 42, begin a new paragraph and  
insert:

**"Sec. 1. Not later than three (3) business days after a completed  
tow, the towing company or storage facility responsible for a towed  
vehicle must:**

**(1) search:**

**(A) the National Motor Vehicle Title Information System  
data base (as described under 49 U.S.C. 30502); or**



- (B) an equivalent and commonly available data base; and**
  - (2) comply with:**
    - (A) IC 9-22-1-19; or**
    - (B) IC 9-22-1-21;**
- as applicable."**

Delete page 18.

Page 19, delete lines 1 through 16.

Page 19, delete lines 24 through 35, begin a new paragraph and insert:

**"Sec. 2. (a) Upon payment of all costs relating to a tow, the storage of a motor vehicle, and all allowable fees, as applicable, the towing company or storage facility shall release the motor vehicle to a properly identified person who owns or holds a lien on the motor vehicle."**

Page 20, delete lines 1 through 8, begin a new paragraph and insert:

**"(c) A towing company or storage facility shall accept the following forms of payment:**

- (1) Cash.**
- (2) Certified check.**
- (3) Insurance check.**
- (4) Money order.**

**A towing service or storage facility may elect to accept payment by means of a credit card or debit card."**

Page 20, line 12, delete "IC 24-14-5-1(d)" and insert "**IC 24-14-5**".

Page 20, delete lines 13 through 28, begin a new paragraph and insert:

**"(e) A towing company or storage facility shall comply with IC 9-22-1-8."**

Page 20, line 30, delete "may not" and insert "**shall**".

Page 20, line 32, delete "excessive or discriminatory" and insert "**reasonable**".

Page 20, delete lines 33 through 41, begin a new paragraph and insert:

**"Sec. 2. All services provided by a towing company or storage facility, including any warranty service or zero cost service, shall be recorded on an invoice. The towing company or storage facility shall:**

- (1) maintain the invoice described in this section for a period of not less than two (2) years from the date of issuance; and**
- (2) throughout the two (2) year period described in subdivision (1), make the invoice available for inspection and copying not later than forty-eight (48) hours after receiving a**



written request for inspection from:

- (A) a law enforcement agency;
- (B) the attorney general;
- (C) the prosecuting attorney or city attorney having jurisdiction in the location of any of the towing company's Indiana business locations;
- (D) the disabled motor vehicle's owner; or
- (E) the agent of the disabled motor vehicle's owner."

Page 21, line 1, delete "rate sheet described in IC 24-14-5-1" and insert "invoice described in IC 24-14-5".

Page 21, delete lines 4 through 42, begin a new paragraph and insert:

**"Sec. 1. A person or entity wishing to operate a towing company in Indiana shall register with the secretary of state in the manner and form prescribed by the secretary of state prior to commencing business operations."**

Page 22, delete lines 1 through 29.

Page 23, line 19, after "tow," insert "motor vehicle storage, and all allowable fees, as applicable,".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1183 as introduced.)

SULLIVAN

Committee Vote: yeas 10, nays 1.

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#### HOUSE MOTION

Mr. Speaker: I move that House Bill 1183 be amended to read as follows:

Page 14, line 22, delete "The" and insert "**(a) Except as provided in subsection (b) and (c), the**".

Page 14, between lines 33 and 34, begin a new paragraph and insert:

**"(b) A commercial private property owner may have a motor vehicle towed from the owner's commercial private property without first displaying signage concerning the tow-away zone if the motor vehicle has been parked in or on the owner's commercial private property for at least twenty-four (24) hours.**

EH 1183—LS 7040/DI 123



(c) A unit (as defined in IC 36-1-2-23) may adopt an ordinance that provides for different requirements than those provided in this section."

(Reference is to HB 1183 as printed February 15, 2019.)

LINDAUER

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1183 be amended to read as follows:

Page 2, line 42, strike "national data".

Page 2, line 42, after "data" insert "**the National Motor Vehicle Title Information System or an equivalent and commonly available data base,**

Page 3, line 1, strike "bases, including a data base of vehicle identification numbers,".

Page 8, line 41, delete "or".

Page 8, line 42, delete "company." and insert "**company; or**

**(D) a customer under a consensual towing agreement.**".

Page 9, between lines 22 and 23, begin a new paragraph and insert:

**"Sec. 4. "Consensual towing agreement" means an agreement between a towing company and a person or business to perform towing services at the request of the owner, operator, or person having legal custody of the vehicle that is agreed upon prior to the vehicle being towed."**

Page 9, line 23, delete "4." and insert "5."

Page 9, line 31, delete "5." and insert "6."

Page 9, line 33, delete "6." and insert "7."

Page 9, line 36, delete "7." and insert "8."

Page 9, line 38, delete "8." and insert "9."

Page 10, line 5, delete "9." and insert "10."

Page 10, line 10, delete "10." and insert "11."

Page 10, line 12, delete "11." and insert "12."

Page 10, line 19, delete "12." and insert "13."

Page 10, line 23, delete "13." and insert "14."

Page 10, line 31, delete "14." and insert "15."

Page 10, line 34, delete "15." and insert "16."

Page 10, line 36, delete "16." and insert "17."

Page 10, line 41, delete "acting:" and insert "**acting on behalf of a**



**towing company when appropriate in the context."**

Page 10, delete line 42.

Page 11, delete line 1.

Page 11, delete lines 2 through 9.

Page 14, line 15, after "4." insert "**Commercial**".

Page 14, line 42, delete "or the private property".

Page 15, line 1, delete "owner".

Page 15, line 17, delete "or a private".

Page 15, line 18, delete "property".

Page 15, between lines 20 and 21, begin a new paragraph and insert:

**"Sec. 6. Signage is not required for tows performed under emergency situations under IC 9-22-1-16(b)."**

Page 15, line 21, delete "6." and insert "7.".

Page 15, line 29, delete "7." and insert "8.".

Page 15, delete lines 32 through 42.

Page 16, delete lines 1 through 38.

Page 16, line 39, delete "2." and insert "9.".

Page 16, line 41, delete "twenty-four (24)". and insert "**one (1)**

**business day after:**

**(1) the tow is completed; or**

**(2) the towing company has obtained all necessary information to be included on the invoice, including any charges submitted by subcontractors used by the towing company to complete the tow and recovery."**

Page 16, delete line 42.

Page 17, delete line 1.

Page 17, between lines 1 and 2, begin a new paragraph and insert:

**(b) The itemized invoice required by this section must contain the following information:"**

Page 17, line 22, delete "(b)" and insert "(c)".

Page 17, line 23, delete "(a)(6), (a)(7), or (a)(8)". and insert "**(b)(6), (b)(7), or (b)(8)**".

Page 17, line 27, delete "(c)" and insert "(d)".

Page 19, line 27, delete "Certificates" and insert "**Registration**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1183 as printed February 15, 2019.)

AUSTIN



## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1183, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 9 through 12, begin a new paragraph and insert:

**"(b) A towing service or storage yard may charge an inspection fee to an owner, a lienholder, or an insurance company representative to inspect a vehicle or retrieve items from the vehicle. A fee under this subsection must be refunded if the costs relating to a tow, the storage of the vehicle, and all allowable fees, as applicable, are paid under subsection (a)."**

Page 7, line 30, delete "IC 24-14-11-1." and insert "**IC 24-14-10-1.**"

Page 14, line 20, delete "subsection" and insert "**subsections**".

Page 14, line 35, after "if" insert "**the motor vehicle is removed under IC 9-22-1-16.**"

Page 14, delete lines 36 through 37.

Page 15, line 23, delete "Not" and insert "**If required by the local law enforcement agency, not**".

Page 15, delete lines 28 through 29.

Page 15, line 30, delete "7." and insert "**6.**".

Page 15, line 30, after "performs" insert "**commercial**".

Page 15, line 38, delete "8." and insert "**7.**".

Page 15, between lines 40 and 41, begin a new paragraph and insert: "**Chapter 5. Invoices for Towing Services**".

Page 15, line 41, delete "9." and insert "**1.**".

Page 16, line 24, delete "twenty-four (24) hour" and insert "**daily**".

Page 18, delete lines 35 through 39.

Page 18, line 40, delete "10." and insert "**9.**".

Page 20, line 16, delete "11." and insert "**10.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1183 as reprinted February 19, 2019.)

CRIDER, Chairperson

Committee Vote: Yeas 6, Nays 0.

EH 1183—LS 7040/DI 123

